

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13197, of Metropolitan Baptist Church, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the minimum lot area requirements (Sub-section 3301.1) to use all floors of the subject premises as an apartment house consisting of three units and three roomers, first floor of one unit, second floor of two units and third floor of three roomers. in an R-4 District at the premises 506 East Capitol Street, N.E. (Square 840, Lot 806).

HEARING DATE: March 19, 1980
DECISION DATE: May 2, 1980

FINDINGS OF FACT:

1. The subject property is located on the north side of East Capitol Street between 5th and 6th Streets, N.E. and is known as 506 East Capitol Street, N.E. It is in an R-4 District.
2. The subject site is rectangular in shape. It is 100 feet deep and 26.29 feet wide. The site is improved with a three story brick row dwelling.
3. A Certificate of Occupancy, No. B-64548, dated August 20, 1968, was issued for the subject property as a rooming house, all floors.
4. The applicant proposes to use all floors of the subject premises as an apartment house consisting of three units and three roomers. The first floor will consist of one unit, the second floor of two units and the third floor of three roomers.
5. The applicant leases the entire property to one person. The lessee will occupy the first floor of the subject premises.
6. Under Sub-section 3301.1 of the Zoning Regulations conversion to an apartment house containing three or more units requires 900 square feet of lot area for each unit within the building. The subject lot comprises 2,629 square feet. A variance is requested for seventy-one square feet.

7. The applicant testified that there is no vacant land on the site to provide for building of any type. The rear of the subject dwelling immediately abuts a parking lot which is owned by the applicant church.

8. Advisory Neighborhood Commission - 6B by letter of March 17, 1980, reported that the ANC gave unanimous support to the application. It reported that the application reflects conditions existing at the time of the adoption of the Zoning Regulations. There is no change of use. The mixed use of the property, with apartments and rooms, is probably responsible for the previous certificates of occupancy being issued as "rooming house" and the current application for "apartments." The specific requested variance from the required 2,700 square feet to the provided 2,629, or two percent is minimal and can be granted without detriment to the zoning plan or regulations. The size of the lot at the time of the adoption of the Zoning Regulations, in relation to the then-existing use which was not accurately reflected in the certificates of occupancy, would cause a strict application of the zoning regulations to work a hardship on the present applicant, in continuing that use. The Board so finds.

9. At the public hearing, a petition with approximately twenty-five signatures in support of the application was submitted to the record. The Capitol Hill Citizens Association, by letter of February 20, 1980, recommended that the application be approved.

10. There was no opposition to the application at the public hearing or of record.

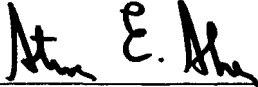
CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty inherent in the property itself. The Board notes that there is no room available on the present site on which to expand. The Board concludes that the practical difficulty is inherent in the land. The Board further concludes that a variance of seventy-one square feet is minimal and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Connie Fortune, Charles R. Norris, William F. McIntosh and Leonard L. McCants to GRANT; Theodore F. Mariani not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

30 JUN 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.